

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION of OIL, GAS and MINING
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5291

50350044
Task ID# 6188
cc: Leslie

RECEIVED

AUG 13 2014

DIV. OF OIL, GAS & MINING

APPLICATION FOR TRANSFER
OF
NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

Application is hereby made to transfer the permit to commence small mining operations for the (Herriman "Pit" project, permit # S/ 03510044) currently operated by CCI - Carlson Construction Inc. (transferor) to Whitaker Construction Co. Inc. (transferee).

As used herein, TRANSFEROR refers to the current operator; TRANSFeree refers to the proposed new operator; NOI refers to the Notice of Intention to Commence Small Mining Operations; PERMIT refers to the approved (or accepted) NOI, including the reclamation contract and reclamation surety.

Upon approval of the Application for Transfer:

1. The Transferor agrees to transfer all rights and obligations to operate under the terms of the NOI to the Transferee, The Transferor will not retain any rights to conduct small mining operations within the area covered by the approved NOI.
2. Both parties understand the transfer of the ***NOI is not complete until all the applicable requirements are met***, including the submittal and Division approval of an appropriate reclamation surety and a reclamation contract.
3. The transferee has read and has a copy of the current NOI.
4. The Transferee has inspected the site and is fully aware of all existing conditions and responsible for compliance with the conditions of the permit and the obligations regardless of the nature of the conditions at the site.
5. Transferee shall conduct large mining operations on lands included in the NOI in accordance with the Utah Mined Land Reclamation Act, (ACT) Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended), and the rules promulgated under the ACT (R647- et seq., and the approved NOI.
6. The Transferee shall provide a surety in a form and amount approved by the Division to assure reclamation of the lands affected by the mining operations.

The **Transferor** will remain liable for compliance at the mine site until this transfer application is approved.

Page 2 of Application to Transfer of Notice of Intention
to commence small mining operations - DOGM

The signatory below represents that he/she has authority to execute this transfer on behalf of the Transferor, if not a natural person. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFEROR:

CARLSON CONSTRUCTION INC
Operator/Transferor Name

By MICHAEL CARLSON
Name of Authorized Officer (Typed or Printed)

PRESIDENT
Title of Authorized Officer

[Signature] 8-11-14
Officer's Signature Date

STATE OF Utah)
) ss:
COUNTY OF Salt Lake)

On the 11th day of August, 20 14, Michael Carlson
personally appeared before me, who being by me duly sworn did say that he/she is
an President/Owner (owner, officer, director, partner, agent or other (specify))
of the Operator Carlson Construction Inc
and duly acknowledged that said instrument was signed on behalf of said Operator
by authority of its bylaws, a resolution of its board of directors, or as may otherwise
be required to execute the same with full authority and to be bound hereby.

[Signature]
Notary Public

136 W 12300 S, Draper, UT 84020
Residing at

02/20/2018
My Commission Expires:



The signatory below represents that he/she has authority to execute this transfer on behalf of the Operator/Transferee, if not a natural person; and the operator/transferee is a properly organized entity in good standing under the laws of Utah and the United States, is registered as an entity authorized to do business in the State of Utah. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFeree:

Whitaker Construction Co. Inc.

Operator/Transferee Name

By Brett Nielsen

Name of Authorized Officer (Typed or Printed)

Vice President of Operations

Title of Authorized Officer

[Signature]

Officer's Signature

8/12/14

Date

STATE OF Utah)

) ss:

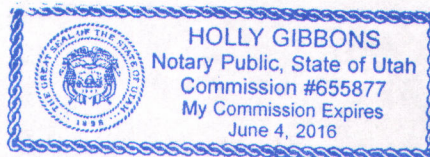
COUNTY OF Box Elder)

On the 12 day of August, 20 14, Brett Nielsen
personally appeared before me, who being by me duly sworn did say that he/she is
an owner (owner, officer, director, partner, agent or other (specify))
of the Operator Whitaker Construction Co., Inc.
and duly acknowledged that said instrument was signed on behalf of said Operator
by authority of its bylaws, a resolution of its board of directors, or as may otherwise
be required to execute the same with full authority and to be bound hereby.

[Signature]
Notary Public

641 W 2550 S, Perry, UT 84302
Residing at

6-4-16
My Commission Expires:



Assigned File Number S/ 035/0044
DOGM Lead: _____

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING**

1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The information requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program (R647). The rules and Act are available online at <http://www.rules.utah.gov/publicat/code/r647/r647.htm> and http://le.utah.gov/~code/TITLE40/40_08.htm.

"Small Mining Operations" are operations which have a disturbed area of ten or fewer surface acres at any time in unincorporated areas, or five acres or fewer in incorporated areas.

I. GENERAL INFORMATION (Rule R647-3-104)

1. **Name of Mine:** Herriman Pit
- 2.A. **Name of Entity Applying for a Permit:** Whitaker Construction, Co. Inc.
Contact (Authorized Officer): Brett Nielsen
Mailing Address: P.O. Box 430
City, State, Zip: Brigham City, Ut. 84302
Phone: 435-723-2921 **Fax:** 435-723-5808
E-mail Address: brett@whitcon.com

Entity is a: ☒ Corporation ☐ LLC ☐ Sole Proprietorship (dba) ☐ Individual
☐ Partnership (☐ General or ☐ limited) ☐ Other (specify type) _____

Business Entity (not individuals) must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC) If not currently registered, contact www.commerce.utah.gov to renew or apply.

- 2.B. Are you currently registered to do business in the State of Utah? ☒ Yes ☐ No

Business Entity #: 227757-5501

Local Business License #: _____ (if required)

Issued by: County: _____ or City: _____

Registered Utah Agent (as identified with the Utah DOC) (if individual leave blank):

Name: _____ **Title:** _____

Address: _____

City, State, Zip: _____

Phone: _____ **Fax:** _____

E-mail Address: _____

2.C. Entity's Representative(s) (if different from #2A) authorized and designated to receive notices of violation, cessation orders, and all other notices to be given to the permittee or operator by the Division.

Name: John Sather Title: Aggregates Manager
Address: P.O. Box 430
City, State, Zip: Brigham City, Ut. 84302
Phone: 435-723-2921 Fax: 435-723-5808
Emergency, Weekend, or Holiday Phone: 801-577-1233
E-mail Address: John@whitcon.com

Name: _____ Title: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
Emergency, Weekend, or Holiday Phone: _____
E-mail Address: _____

3a.. If Business is a Sole Proprietor (dba) or Individual:

Name of Owner: _____ Title: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

3b. If Business is a Corporation:

Name of Officers: Richard Whitaker Title: President
Name: James Whitaker Title: Executive Vice President
Name: Michael Whitaker Title: Sec. / Treasurer
Name: _____ Title: _____
Headquarters Address: 44 South 1050 West
City, State, Zip: Brigham City, Ut 84302
Phone: 435-723-2921 Fax: 435-723-5808
E-mail Address: _____

3c. If Business is a Limited Liability Company: ☐ Member Managed ☐ Manager Managed

Name of 1st Member/Manager: _____ Title: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

Name of 2nd Member/Manager: _____ Title: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

3d. If Business is a Partnership:

Names of First Partner: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

Names of Second Partner: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

If Business is a Partnership:

Name of Partner: _____
Business Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

5. Ownership of Land Surface:

Private (Fee) ☒ Public Domain (BLM) ☐ National Forest (USFS) ☐

State Trust Land/School Sections ☐ State Sovereign Lands ☐

Other (please describe): _____

Name Michael Carlson Address 1300 W. 14800 S. Bluffdale, UT. 84065

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

6. Ownership of Minerals:

Private (Fee) ☒ Public Domain (BLM) ☐ National Forest (USFS) ☐

State Trust Land/School Sections ☐ State Sovereign Lands ☐

Other (please describe): _____

Name Michael Carlson Address 1300 W. 14800 S. Bluffdale, UT. 84065

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

BLM Lease or Project File Number(s) and/or USFS assigned Project Number(s): _____

BLM Claim Numbers _____

Utah State Lease Number(s): _____

Name of Lessee(s) _____

7. Have the above surface and mineral owners been notified in writing?

Yes ☒ No ☐

If no, why not? _____

*Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration **prior** to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.*

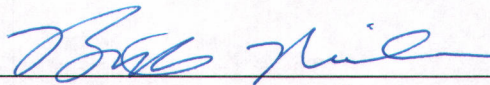
8. Does the Entity have legal right to enter and conduct mining operations on the land covered by this notice? Yes ☒ No ☐

VII. SIGNATURE REQUIREMENT

CERTIFICATION

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I have read this form and declare the information, statements and/or documentation are true, correct and complete to the best of my knowledge and belief; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.
- c. **This certification must be signed by:** (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; **or** (4.) the member or manager if applicant is a limited liability company.

Signature:  Date: 8/12/14
Name (typed or printed): Brett Nielsen
Title/Position (if applicable): Vice President of Operations